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Attorneys for Defendants

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON**

MICHELLE HEAY and SHAWN HEAY,
married adults; and THE ESTATE OF CHRIS
HEAY,;

NO. CV: 19-5049-

**DEFENDANTS' NOTICE OF
REMOVAL AND DEMAND FOR JURY**

Plaintiffs,

V.

MICHELE ANDERSON, an adult individual; and OLYMPIA SCHOOL DISTRICT,

Defendants.

TO: Clerk of the Court

AND TO: Plaintiffs, MICHELLE HEAY and SHAWN HEAY, married adults; and THE ESTATE OF CHRIS HEAY;

AND TO: Jon Cushman, Attorney for Plaintiffs'

COME NOW Defendants file this notice of removal under 28 U.S.C. § 1446 for the reasons set forth below.

1. Parties. Parties. MICHELLE HEAY and SHAWN HEAY, and the ESTATE OF CHRIS HEAY are plaintiffs. MICHELLE ANDERSON and OLYMPIA SCHOOL DISTRICT are defendants. A copy of plaintiffs' complaint filed in the Thurston County Superior Court, Cause No. 18-2-06409-34 is attached as **Exhibit A**.

2. Plaintiffs' Allegations. The lawsuit alleges a violation of the American with Disabilities act or ADA. The ADA is a federal law codified under 42 U.S.C. § 12101 *et al.* A violation of the ADA creates a federal question giving the federal courts original jurisdiction of the matter in accordance with Article III of the U.S. Constitution as codified in 28 U.S.C. § 1331.

3. Basis for Removal.

Proceedings initiated in state court may be removed to the district court under 28 U.S.C. § 1441 (removal of civil actions). Removal of a state court action to the district court is proper because this suit involves a federal question. 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1446 (procedure for removal of civil actions). 28 U.S.C. § 1441(a) provides that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction to the district court of the United States for the district and division embracing the place where such action is pending.” Specifically, Plaintiff alleges violation of the federal laws of the ADA, *supra*.

4. **Jury Demand.** Plaintiffs did not demand a jury trial in state court. Pursuant to Fed.R.Civ.P. 38(b), Defendants demand a jury trial in the removed action.

Respectfully submitted: January 16, 2019.

JERRY J. MOBERG & ASSOCIATES, PS

By: /S/ Jerry J. Moberg
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CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing and further certify that I mailed a copy of the document to which is affixed postage prepaid to:

Jon E. Cushman
Cushman Law Offices, P.S.
924 Capitol Way South
Olympia, WA 98501
joncushman@cushmanlaw.com

DATED January 16, 2019 at Ephrata, Washington.

JERRY J. MOBERG & ASSOCIATES, PS

By: S/ Jerry J. Moberg
JERRY J. MOBERG, WSBA #5282
Attorney for Defendants